

VOSH PROGRAM DIRECTIVE: 14-405

ISSUED: 01 August 2012

Subject **Local Emphasis Program (LEP) -- Asbestos**

Purpose This Directive transmits to field personnel a Local Emphasis Program (LEP) for safety and health inspections to identify and reduce or eliminate workplace exposure to asbestos hazards during renovation and demolition activities. This Directive also renumbers this local emphasis program to the 14 series [Emphasis Programs] from the 02 series [Compliance Instructions] to conform to the program directives' new classification and numbering system (See VOSH Program Directive 01-001A).

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope This directive applies to VOSH state-wide.

References OSHA Instruction CPL 02-02-063 (30 November 1995)
VOSH Field Operations Manual (FOM), VOSH PD 02-001F (01 June 2011) (or successor)

Cancellation VOSH Program Directive 02-405A (15 June 1993); and VOSH Program Directive 02-402B (March 15, 1992)

Action The Directors of VOSH Safety and all Regional Directors and Compliance Managers shall assure that procedures established in this Directive are adhered to when scheduling and conducting inspections under this local emphasis program.

Effective Date **01 August 2012**

Courtney M. Malveaux
Commissioner

Distribution: Commissioner of Labor and Industry
Assistant Commissioner - Programs
VOSH Directors and Managers
Legal Support and IMIS Staffs

Cooperative Programs Director and Manager
VOSH Compliance and Cooperative Programs Staffs
OSHA Regional III and Norfolk Area Offices

I. History.

OSHA originally initiated a National Emphasis Program (NEP) beginning in October 1983 which it continued for a number of years and in which VOSH participated. Subsequently, VOSH continued enforcement of this NEP after it was ended by federal OSHA. This revised LEP is intended to continue that initiative and to supplement existing VOSH targeting programs, focusing additional resources as necessary to monitor job sites, promote voluntary compliance and promote awareness of asbestos hazards during the renovation and demolition of buildings and structures.

Licensed asbestos contractors are required by §40.1-51.20.A of the *Code of Virginia* to notify the Department's Asbestos Notification and Permit Program at least twenty (20) calendar days prior to the commencement of an asbestos project; and by §40.1-51.20.B of the *Code of Virginia* to obtain a permit from the Department prior to commencing an asbestos project.

Similarly, under the Virginia Asbestos NESHAP Act, §40.1-51.23, *Code of Virginia*, owners of buildings and/or contractors are required to provide written notification to the Department at least ten (10) working days before stripping or removing regulated asbestos containing material (RACM) from a facility component and prior to the demolition of regulated structures.

The Department is required by §40.1-51.21 of the *Code of Virginia* to conduct an on-site unannounced inspection of each licensed asbestos contractor at least once a year.

II. Background.

Asbestos minerals have a tendency to separate into microscopic-size particles that can remain in the air and are easily inhaled. Workers exposed to these airborne asbestos in their workplaces face a significant danger of developing the disabling diseases of asbestosis, lung cancer and mesothelioma. These diseases caused by asbestos are constitute the highest level of health risk for such employees.

Although the use of asbestos and asbestos products has dramatically decreased over the last 30 years, they are still found in many commercial and residential settings and continue to pose a risk to workers. An estimated 1.3 million employees nationally, of which approximately 351,000 are in Virginia, in both construction and general industry face significant asbestos exposure on the job. Heaviest exposures occur in the construction industry, particularly, during the removal of asbestos during renovation and demolition activities.

This emphasis program is intended to supplement other existing VOSH targeting programs, focusing additional resources as necessary to monitor job sites, promote voluntary compliance and promote awareness of asbestos hazards during the renovation and demolition of buildings and structures.

III. Inspection Scheduling.

A. Asbestos Program Project Notices. The Director of Occupational Health Compliance will review notices of asbestos and demolition projects received by the Department and prepare a list of projects to be inspected. The projects on the list will be sorted by location and assigned for inspection to the appropriate Regional Office. Contractors that have not received an inspection during the current year will generally be given a higher priority than those contractors already inspected at least once in the current FFY.

- B. Complaints. Complaints and other notices of hazards involving the possible presence of asbestos during demolition and renovation activities will be inspected in accordance with procedures found in the VOSH FOM. Any appropriate means available shall be used to determine if there is any likelihood of employee exposure to asbestos as a result of the renovation or demolition activity. If the Compliance Manager judges it appropriate, an inspection shall be scheduled.

Note: Under the VOSH asbestos construction standard, thermal system insulation (pipe lagging, boiler insulation, etc.), surfacing materials (spray-on acoustical plasters, troweled on plaster coatings, etc.) and flooring materials (vinyl tile, sheet goods, etc.) are all presumed to contain asbestos in buildings built before 1981. The building owner must report these materials as asbestos unless an accredited inspector has shown them to be asbestos free.

- C. Referrals. Referrals from the U.S. Environmental Protection Agency (EPA) or the Virginia Department of Environmental Quality (DEQ), the Department of Professional and Occupational Regulation (DPOR), other governmental agencies, and the general public, related to the improper handling of asbestos-containing materials during renovation and demolition operations, will be handled in the same manner as complaints.

IV. Inspection Procedures

If employee exposure to asbestos is alleged, an inspection shall be scheduled. Unsigned complaints, other government agency referrals, or any other reports, shall be evaluated and scheduled as a programmed inspections under this LEP.

- A. All CSHOs shall be alert at all times for renovation or demolition activities where asbestos may be present.
- B. Such activities shall be reported to the supervisor for evaluation as soon as the CSHO observes them.
- C. If a CSHO is assigned to conduct an inspection where asbestos is suspected to be present, the situation should be brought to the Compliance Manager's attention. A referral shall be made to a CSHO who has been trained to perform asbestos inspections.
- D. Construction health inspections scheduled under the LEP generally shall be limited to those areas of the site where asbestos is or may be used, stored, removed, or otherwise found.
- E. If, after the CSHO arrives on the site, it is discovered that none of the employers are engaged in asbestos-related activities and that no asbestos exposure is present on the premises, the inspection shall be terminated immediately and the VOSH-1 completed, accordingly, for a "No Citation Issued Inspection" (NCI).

- V. Database Entry Coding. The majority of inspections conducted under this LEP will be "Health" inspections and, in such cases, should be coded as such.

- A. Planned/Targeted Inspections. LEP inspections of firms that are planned or targeted as a result of this LEP inspection type will be coded as **“Programmed Planned”** and then classification coded as an LEP, specifically indicating **“ASBESTOS”**.
- B. Referral Inspections. Inspections that are conducted as a referral under this LEP will be coded as **“Programmed Related”** and then classification coded as an LEP, specifically indicating **“ASBESTOS”**. Where **“Program Related”** inspections are conducted, they will be so indicated on the VOSH-1.
- C. Complaint inspections. Inspections under this LEP that are conducted as a result of a complaint or fatality/catastrophe will be coded as **“Unprogrammed Related”** and then classification coded as an LEP, specifically indicating **“ASBESTOS”**.
- D. Where it is discovered, upon arrival at a worksite scheduled for an inspection under this LEP, that asbestos is not being disturbed or no asbestos is found on the site, or no demolition activity is underway, the VOSH-1 shall be completed as a **“No Citation Issued Inspection”**.
- E. If an inspection is conducted at a federal facility under the Virginia Asbestos NESHAP Act, the VOSH-1 shall still be completed as a **“No Citation Issued Inspection”**, and a referral shall be made to the federal OSHA Area Office in Norfolk.

The new **“ASBESTOS”** code applies to the following enforcement forms: VOSH-1, OSHA-7, OSHA-36, OSHA-90 and OSHA-55.

Whenever a consultation visit is made in response to this LEP, the Consultation Request form and Visit form are to be completed with the LEP code **“ASBESTOS”** on Form-20 and Form-30.